# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/589,799 | 06/08/2000 | Baljeet Singh Baweja | AUS0000172.US1 | 9729 |

7590      07/03/2003

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| EXAMINER |
|---|
| PATEL, HARESH N |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2126 | 3 |

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/589,799 | BAWEJA ET AL. |
| | Examiner | Art Unit |
| | Haresh Patel | 2127 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL.**     2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>20</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>06/08/2000</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)       4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)       5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> .       6) ☐ Other: .

## DETAILED ACTION

1.      Claims 1-20 are presented for examination.

### *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.      Claims 1, 2, 7, 8, 12, 13 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamane et. al. (6,317,786). (Hereinafter Yamane).

4.      As per claims 1, 7 and 12 Yamane teaches the following:

a workload balancing system for distributing data processing transactions (e.g. balancing the web page request service load among the multiple servers, col. 3, lines 60-65) into a plurality of messages and for dynamically allocating each of said messages (e.g. dynamic performance statistics, col. 10, lines 61-66) to different computer systems for performance comprising,

a method for distributing data processing transactions into a plurality of messages and for dynamically allocating each of said messages to different computer systems for performance comprising (e.g., reporting of the data as well as automatic and manual analysis tools, abstract),

a computer program having program code included on a computer readable medium (e.g.,

shared memory buffer, col 12, line 28) for workload balancing of distributed data processing

transactions comprising:

means for requesting the performance of a data processing transaction (e.g., web page

request, col. 10, lines 55-60),

a server computer for said distributing said transaction into a plurality of messages and

allocating said messages to different computer systems (web server may provide reporting of the

data as well as automatic and manual analysis tools, col. 3 line 60 – col. 4 line 14), and

user interactive display means for displaying said allocated messages and associated

computer systems (e.g., event log of a web service system, figure 9).


5.      As per claims 2, 8 and 13, Yamane teaches the following:

a server queue for strong the plurality of messages from the distributed transaction. (e.g.

the number of requests in the queue at the time the request is responded to, col. 10, lines 46-61).


6.      As per claims 18, 19 and 20, Yamane teaches the following:

means enabling a user to request the performance of a data processing transaction (e.g.,

web page request, col. 10, lines 55-60),

a server computer for dynamically transforming requested transactions into messages

without user input and allocating said messages to different computer systems (web server may

provide reporting of the data as well as automatic and manual analysis tools, col. 3 line 60 – col.

4 line 14), and

user interactive display means for displaying said allocated messages and associated

computer systems (e.g., event log of a web service system, figure 9).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.      Claims 3-5, 9-11 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Yamane in view of Wolff 6,185,601.

Yamane does not specifically show the claimed limitations of claims 3-5, 9-11 and 14-16.

Wolff teaches the following:

each of said different computer systems has an associated queue for storing messages

allocated to each respective computer system (queue of server rebalance requests, e.g. col. 32,

lines 60-62),

at least one of said different computer systems has means for reallocating to other

computer systems, messages initially allocated to said one computer system (e.g., re-mapping of

an alternate path can be intelligently accomplished on the basis of an overall utilization and path

table, or randomly on the basis of client queries to alternate nodes in response to an overload

condition, col. 5, lines 38-60)

user interactive means for displaying said reallocated messages and computer systems to

which said messages are allocated (e.g., display screen, figure 2A).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Yamane with the teachings of Wolff in order to provide a

server to facilitate message driven transaction environment to implement the tracking of the

route of an item which the user selects from the display screen.

8.      Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamane

in view of Suzuki 5,884,077.

Yamane does not specifically show the limitation of claims 6 and 17.

Suzuki teaches the following:

an interactive display computer including said means for requesting the performance of a

data processing transaction and user interactive display means for displaying said allocated

messages and associated computer systems (e.g., user interface, figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Yamane with the teachings of Suzuki in order to provide a

computer to facilitate to create a graphical user interface for the user, which can allow the user to

request information from the connected server and then to display the received information.

## Conclusion

The following prior art is cited but not relied upon:

a.      6,279,001, DeBettencourt et al.. DeBettencourt teaches dynamic workload balancing of the web page requests.

b.      6,038,601, Lambert et al.. Lambert teaches a method for maintaining statistics on a server, receiving a request from a server on a network, validating a collection of data and providing notification to the clients from servers.

c.      5,825,769, O'Reilly et al.. O'Reilly teaches how a remote subscriber may link up with a real time statistics system to monitor the operation of the network.

d.      5,537,550, Russell et al. Russell teaches distribution of message driven transactions in a network environment.

e.      5,938,722, Johnson teaches method of executing programs in a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday-Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 306-5404.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

June 16, 2003.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100